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**CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER**

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TO: Hillview Water Company - Oakhurst Sierra Lakes  
ATTN: Mr. Roger Forester, President  
P.O. Box 2269  
Oakhurst, CA 93644

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**AMENDMENT ONE TO COMPLIANCE ORDER NO. 03-11-09O-001  
Dated June 12, 2015**

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues this Amendment No. One to Compliance Order 03-11-09O-001 (hereinafter "Amendment One").

The Board, successor in interest to the California Department of Public Health, issued Compliance Order No.03-11-09O-001 to Hillview Water Company – Oakhurst Sierra Lakes (hereinafter "Water System") on or about January 26, 2009, herein the "Order".

The Board hereby amends the Order as follows:

A. The Water System is further directed as follows:

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A-1. By no later than **July 1, 2018**, achieve compliance with the arsenic maximum contaminant level (MCL), with the completion of a project and demonstration that the running annual average is reliably less than the MCL. The Water System shall provide written notification of the date that compliance is achieved.

B. Delete Directive 4 and replace with the following:

"4. The Division reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

All submittals required by this Order shall be addressed to:

Kassy Chauhan, Senior Sanitary Engineer  
State Water Resources Control Board  
Division of Drinking Water, Merced District  
265 W. Bullard Avenue, Suite 101  
Fresno, CA 93704"

Except as amended herein, all other terms of Compliance Order No. 03-11-09O-001, shall remain in full force and effect.

Amendment One to Compliance Order No. 03-11-09O-001

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6-12-2015  
Date

  
Carl Carlucci, P.E., Chief  
Central California Section  
State Water Resource Control Board  
Division of Drinking Water

Enclosure:  
Compliance Order No. 03-11-09O-001

Certified Mail No. [7014 3490 001 7868 9634]

cc: Mr. James Foster, Manager, P.O. Box 2269, Oakhurst, CA 93644  
Madera County Environmental Health Department  
Rami Kahlon, Director, California Public Utilities Commission



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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: HILLVIEW WATER COMPANY OAKHURST-SIERRA LAKES  
Water System No. 2010007

TO: Mr. Roger Forrester, President  
Hillview Water Company  
P.O. Box 2269  
40312 Greenwood Way  
Oakhurst, CA 93644

CC: Madera County Department of Environmental Health  
California Public Utilities Commission

**COMPLIANCE ORDER  
FOR VIOLATION OF THE  
ARSENIC MAXIMUM CONTAMINANT LEVEL**

**Issued on January 26, 2009**

Section 116655, Chapter 4 of the California Health and Safety Code authorizes the issuance of an Order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**FINDINGS**

The Hillview Oakhurst-Sierra Lakes water system (hereinafter "Hillview") is a community water system located in the community of Oakhurst. Hillview is a California Public Utilities Commission regulated water system that serves a population of approximately 3,006 through 1,007 service connections. Hillview operates under a domestic water supply permit issued by the California Department of Public Health (hereinafter "Department") in

1 December of 1996. Hillview's water system is supplied by 16 active groundwater wells  
2 with storage provided by 18 water storage tanks located throughout the distribution system  
3 providing a total of over 1.3 million gallons. The water is boosted into the distribution  
4 system by 11 booster pumping stations.

5  
6 Beginning January 23, 2006, the U.S. Environmental Protection Agency (USEPA) adopted  
7 a revised maximum contaminant level (MCL) for arsenic of 0.010 mg/L (milligrams per  
8 liter). The arsenic MCL of 0.010 mg/L was recently adopted for California and became  
9 effective November 28, 2008. Prior to this date, any non-compliance issues were referred  
10 to U. S. EPA for enforcement action.

11  
12 Hillview was issued a Notice of Violation by the Department on January 11, 2008 due to  
13 an exceedance of the federal arsenic MCL during the third quarter of 2007. Based on data  
14 submitted to the Department for Sierra Lakes Well No. 7, the running annual average  
15 (RAA) for this well for the third quarter of 2008 was 0.0327 mg/L. As a result, Hillview  
16 failed to comply with the National Revised Primary Drinking Water Regulations, Section  
17 141.62(b)(16), Title 40, Code of Federal Regulations, which established the revised federal  
18 MCL for arsenic. Due to the violation, Hillview was required to conduct quarterly public  
19 notification beginning with the first quarter of 2008 and would be repeated every three  
20 months as long as the violation exists. The Department has received a copy of the notices  
21 that were issued along with proof of notification for the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2008.

22  
23 Hillview acknowledged the notice and requested that rather than sampling their affected  
24 sources quarterly for arsenic, they would just provide the quarterly arsenic public  
25 notification and sample the sources exceeding the arsenic MCL annually. Hillview has  
26 requested this due to the fact that they are going to construct water treatment facilities to  
27 remove iron, manganese, arsenic and uranium under a Proposition 84 project. Hillview has



1 completed the construction of five new wells and transmission lines needed to improve the  
 2 source capacity of the water system. The construction of these wells and transmission lines  
 3 was funded by State Revolving Fund (SRF) monies. Upon completion of the treatment  
 4 systems, Hillview will return to compliance with the arsenic and uranium drinking water  
 5 standards.

6  
 7 With the adoption of the state's arsenic MCL, the water supplied by Hillview's wells  
 8 continues to exceed the newly adopted MCL of 0.010 mg/L. Although a subsequent Notice  
 9 of Violation was not issued for other sources in the Oakhurst-Sierra Lakes water system,  
 10 there are additional sources that, based on their sampling to date, will exceed the MCL for  
 11 arsenic. The most recent RAA for arsenic sampling from the Sierra Lakes Well No. 7 and  
 12 the additional sources that are part of this compliance order are shown in the following  
 13 table:

Source Name	Source Number	Arsenic Average from 2000 to 2009
Sierra Lakes Well No. 1A	2010007-007	0.0175 mg/L
Sierra Lakes Well No. 3	2010007-009	0.0171 mg/L
Sierra Lakes Well No. 4	2010007-010	0.1013 mg/L*
Sierra Lakes Well No. 6	2010007-031	0.0114 mg/L
Sierra Lakes Well No. 7	2010007-032	0.0327 mg/L
Sierra Lakes Well No. 8	2010007-033	0.0175 mg/L
Sierra Lakes Well No. 9	2010007-034	0.0312 mg/L
Yosemite High School Well No. 3	2010007-012	0.0404 mg/L

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 25 \* - Due to numerous results, average calculated from 12/2001 to 2009.  
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Hillview must also monitor two sources that will not receive arsenic treatment, but the quarterly monitoring frequency has previously been waived. The third source, Sierra Lakes Well No. 5, has not exceeded the MCL for arsenic. However, because the results are close to the MCL, this source should also be monitored. The sources that Hillview must revert back to quarterly monitoring are the following:

Source Name	Source Number	Highest Arsenic Result, 2000 to Date
Ditton Well No. 1	2010007-001	0.0130 mg/L
Ditton Well No. 4	2010007-024	0.0178 mg/L
Sierra Lakes Well No. 5	2010007-030	0.0110 mg/L

According to Hillview, Ditton Well No. 1 has been inoperable for some time, but is still designated as an active source. Once this source is operating again, Hillview must resume a quarterly monitoring schedule of sampling for arsenic. Sierra Lakes Well No. 5 is one of the sources that will receive arsenic removal treatment, but it must be monitored quarterly to determine compliance with the arsenic MCL.

### CONCLUSIONS OF LAW

Based on the above Findings, the Department has determined that the Hillview Oakhurst-Sierra Lakes water system has violated provisions contained in the California Health and Safety Code and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to the following:

1. Health and Safety (H&S) Code Section 116555(a)(1). Specifically, the Hillview Oakhurst-Sierra Lakes water system is operating wells that produce water that does not comply with the primary drinking water standards.

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2. H&S Code Section 116555(a)(3). Specifically, the Hillview Oakhurst-Sierra Lakes water system failed to ensure that a reliable and adequate supply of pure, wholesome, healthful, and potable water is provided to all of its consumers.
  
3. CCR Section 64431(a). Specifically, the water produced by the Hillview Oakhurst-Sierra Lakes water system exceeds the maximum contaminant level of 0.010 mg/L for arsenic, and therefore, does not comply with a primary drinking water standard.

**ORDER**

In order to ensure that the water supplied by the Hillview Oakhurst-Sierra Lakes water system is at all times safe, wholesome, healthful, and potable, and pursuant to Section 116655 of the H&S Code, the water system is ordered to take the following actions:

1. (a) Cease and Desist from failing to comply with H&S Code Section 116555(a)(1) and (3) by ensuring that the system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
  
- (b) By **February 27, 2009**, submit to the California Department of Public Health, for review and approval, a plan to correct the existing water quality problem and eliminate the need to deliver water to the system that does not meet the primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project, such as design, construction, and start-up.
  
- (c) The Hillview Oakhurst-Sierra Lakes shall submit quarterly progress reports to the Department, beginning **April 10, 2009**.

1 2. Since the Hillview Oakhurst-Sierra Lakes must use the affected wells to meet system  
2 demand, public notification shall be provided in accordance with CCR Section  
3 64463 of its inability to meet the arsenic MCL until a project is completed to  
4 provide water meeting the drinking water standards. **Hillview shall continue to**  
5 **distribute the Department-approved notice (Attachment A) to all consumers.**  
6 Notification to the public shall be **repeated every three months as long as the**  
7 **violation exists.** Proof of public notification (**Attachment B**) to all water system  
8 users shall continue to be provided to the Department following each quarterly  
9 notification by the 10<sup>th</sup> day of the month following notification.

10  
11 3. Quarterly arsenic monitoring must be initiated for Ditton Wells Nos. 1 and 4, and  
12 Sierra Lakes Well No. 5 beginning with the first quarter of 2009.

13  
14 4. The Department reserves the right to make such modifications to this Order as it  
15 may deem necessary to protect public health and safety. Such modifications may be  
16 issued as amendments to this Order and shall be effective upon issuance.

17  
18 All submittals required by this Order shall be addressed to:

19  
20 Carl L. Carlucci, P.E.  
21 Senior Sanitary Engineer  
22 Department of Public Health  
23 Southern California Branch  
24 Drinking Water Field Operations  
25 265 W. Bullard Avenue, Suite 101  
26 Fresno, CA 93704  
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5. If Hillview is unable to perform the tasks specified in this Order for any reason, whether within or beyond its control, and if Hillview notifies the Department in writing no less than five days in advance of the due date, the Department may extend the time for performance if Hillview demonstrates that it has used its best efforts to comply with the schedule and other requirements of this Order.

6. If Hillview fails to perform any of the tasks specified in this Order by the time described herein or by the time subsequently extended pursuant to Item 5 above, Hillview shall be deemed to have not complied with the obligations of this Order and may be subject to additional judicial action, including civil penalties specified in H&S Code, Section 116725 and 116730.

7. The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Hillview, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Hillview or its agents in carrying out activities pursuant to this Order.

**PARTIES BOUND**

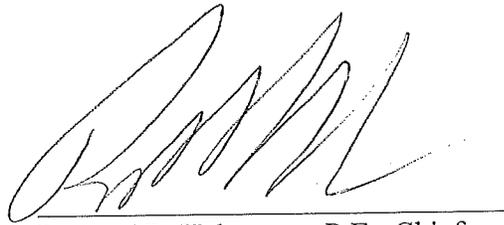
This Order shall apply to and be binding upon the Hillview Water Company, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The requirements of this Order are severable, and the Hillview Water Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

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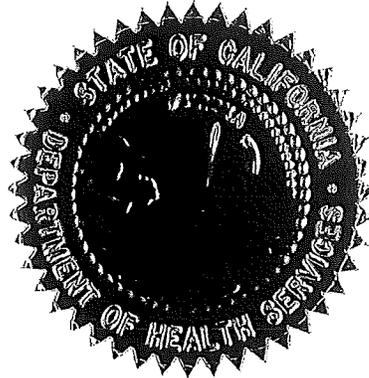
1-26-09  
Date



Richard L. Haberman, P.E., Chief  
Central California Section  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

RLH/CLC/br

Attachments:  
Attachment A: Public Notification Notice  
Attachment B: Proof of Notification Form



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## Instructions for Tier 2 Arsenic MCL Notice Template

### Template Attached

Since exceeding the arsenic maximum contaminant level (MCL) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting in public places served by the water system or on the Internet <sup>(b)</sup>
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet <sup>(b)</sup>
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

### Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-

speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

*Non-English Speaking Groups Other than Spanish-Speaking.* For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Corrective Action**

In your notice, describe corrective actions you are taking. Do not use overly technical terminology when describing treatment methods. Listed below are some steps commonly taken by water systems with chemical or radiological violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We are working with [local/state agency] to evaluate the water supply and researching options to correct the problem. These options may include treating the water to remove arsenic or connecting to [system]'s water supply."
- "We have stopped using the contaminated well. We have increased pumping from other wells, and we are investigating drilling a new well."
- "We will increase the frequency at which we test the water for arsenic."
- "We have since taken samples at this location and had them tested. They show that we meet the standards."

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a "problem corrected" notice when the violation is resolved.

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

**[System] Has Levels of Arsenic  
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed arsenic levels of [level and units]. This is above the U.S. EPA standard, or maximum contaminant level (MCL) of 0.010 milligrams per liter.

**What should I do?**

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

**What happened? What is being done?**

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

**Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

Attachment A

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by [system].

State Water System ID#: \_\_\_\_\_ . Date distributed: \_\_\_\_\_ .

**PROOF OF NOTIFICATION**  
(Return with copy of the Notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **Hillview Oakhurst-Sierra Lakes** of the failure to meet the **Arsenic MCL** for the:

Circle one: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> quarter of \_\_\_\_\_ (year).

Notification was made on \_\_\_\_\_ by  
(date)

hand delivered and/or mailed and/or posted written notice.  
(circle all completed)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due to the Dept. of Public Health within 10 days of notification to the public  
Arsenic MCL Exceedance  
System Number: 2010007



Do your part to help California save energy. To learn more about saving energy, visit the following web site:  
<http://www.fypower.org>